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Policy Brief

A Systematic Approach to Institutional Mimicry

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Key recommendations

- Institutional mimicry simplifies complex situations and facilitates decision-making, but it can also oversimplify or mislead if not carefully deployed.
- To avoid pitfalls, policymakers should employ a systematic approach and consider the limitations of specific examples, including contextual differences. This analytical approach includes:
  - Identifying the purpose of proposed cooperation and finding issue areas with similar types of cooperation problems. Cooperation problems fall into different categories, including policy coordination, public goods situations where States worry about free riding, or policy collaboration where rule breaking imposes direct costs on other States.
  - Identifying the ideal benefits of multilateralism and finding existing multilateral arrangements that achieve such objectives. Cooperative benefits could include policy coordination and harmonization, information provision, facilitating bureaucratic networks and ongoing negotiations, and increasing the costs of uncooperative behaviour.
- Institutional mimicry is best employed when the example institution addresses a similar type of cooperation problem and achieves similar cooperative benefits as those envisioned for the new institution.

Challenge

States have built hundreds of multilateral mechanisms over the past 80 years, yet policymakers often rely on only a small set of high-profile examples when they design new multilateral institutions. Calls for scientific collaboration, for example, inevitably reference the Intergovernmental Panel on Climate Change (IPCC). Advocacy for artificial intelligence (AI) risk management often draws on the International Atomic Energy Agency (IAEA) as a model. Institutional mimicry – the process of designing new multilateral bodies based on existing structures – is a useful tool for processing complex phenomena: it can allow policymakers to learn from existing successes and failures, enabling the creation of new global governance bodies that are better equipped to meet twenty-first century challenges. However, overreliance on a small set of well-known institutions may fail to account for crucial differences in cooperative priorities and interests.

Approach

This policy brief provides a roadmap for policymakers interested in using institutional mimicry to design new multilateral mechanisms. Institutional mimicry is a subset of a broader phenomenon wherein policymakers use historical analogies to support decision-making. Section 1 highlights the prevalence of historical analogies in public discourse and policymaking, highlighting the strengths and weaknesses of this approach as it is commonly deployed. Section 2 advances a framework of best practices for institutional mimicry, drawing on insights from political science. States face different types of cooperative problems and build multilateral institutions to achieve varied goals. Identifying the most useful historical analogies for institutional mimicry requires thinking through cooperative priorities, incentives and politics and often looking to less-known examples of global governance.

Section 1

Mimicry and analogies in public discourse and policymaking

Historical analogies are common in public discourse. The 2008 financial crisis was processed through the lens of the Great Depression in the 1930s. Territorial expansion may be equated to Hitler's invasion of Czechoslovakia prior to the Second World War. Large-scale terrorist attacks invite comparisons to 9/11.

For policymakers and the public alike, references to history provide an intellectual framework for understanding complex phenomena. An in-depth analysis of a policy issue requires significantly more time and discussion than a quick reference to history, and in some cases, additional context and details may be superfluous to the core idea. In a high-volume information environment where policymakers are engaged in decision-making on many fronts, analogies can be useful cognitive shortcuts that optimize time and energy. They provide a framework for understanding a situation, defining actor roles, making decisions and even persuading audiences about necessary next steps.[1]

Such benefits are clearly present in the multilateral arena. Governments coming together to negotiate a new institution may have disparate ideas of what it should entail; they may also face significant time and resource constraints. Rather than starting from scratch, it may be useful to begin with an existing institution. This baseline multilateral body can provide a framework for membership, decision-making rules, monitoring and information dissemination in ways that make it easier for governments to envision the new hypothetical institution.

Drawing on historical analogies to understand and design policy also entails certain risks. Comparisons that span years, regions or issue areas may oversimplify and ignore key contextual differences that are crucial to explaining outcomes. Analogies can also mislead, suggesting particular consequences are predetermined rather than just possible scenarios. Historical examples nearly always carry implicit ideological content; they may thus be deployed as persuasive weaponry rather than true analytical tools.

Debates over the best historical analogies for AI governance highlight this phenomenon. Governments, private industry and public citizens all hold different views of the benefits and risks of AI, and stakeholders deploy divergent frames that match these understandings. Calls for an "IPCC for AI" emphasize the importance of scientific knowledge, while advocacy for an IAEA-type body to mitigate security risks adopts a more hard-power framework. Other ideas draw more heavily on industry regulations, looking at parallels in civil aviation and financial stability. The key point here is not that one analogy is always best, but rather that each pathway of institutional mimicry suggests a different ideological approach to AI, which in turn influences the formation of policy.[2]

1 Djouaria Ghilani, Olivier Luminet and Olivier Klein, "Looking forward to the past: An interdisciplinary discussion on the use of historical analogues and their effects", *Memory Studies,* vol. 10, No. 3 (2017). Available at https://journals.sagepub.com/doi/full/10.1177/1750698017701609.

2 Matthijs Maas, "AI is like … A literature review of AI metaphors and why they matter for policy", *Institute for Law and AI,* October 2023. Available at https://law-ai.org/ai-policy-metaphors/.

Section 2

Best practices for institutional mimicry

Selecting analogies through a systematic analytical approach is one way to avoid many of the pitfalls described above. By establishing key principles ahead of time, policymakers can more clearly understand underlying assumptions and better identify alternative analogies that might offer more insight into a current policy issue. Here we suggest starting by identifying the underlying cooperation problem and then thinking through how multilateral institutions might improve cooperation.

Step 1: Identify the cooperation problem

Multilateral arrangements are generally structured around addressing one of three types of challenges: coordination problems, coordination problems with distributional concerns, and collaboration problems. Coordination problems are situations where governments need to establish a shared set of standards for efficiency or safety reasons, but once that happens, they have incentives to harmonize their domestic policies and follow the rules. Certain aspects of airline safety, for example, are coordination problems: governments need to agree on universal numbering or airspace codes that allow for safe transborder flights and avoid accidents.

Most coordination problems have some degree of distributional ramifications, which is the second type of cooperation challenge. In such situations, governments still need to establish shared standards, but the ramifications of any specific agreement will benefit States unequally. Governments may regulate a specific policy area in different ways, and agreeing to align with another country's approach could be costly, even if there are benefits to global coordination. This type of cooperative challenge can emerge in technocratic issue areas like telecommunications and internet governance or in high politics areas like global finance.

Perhaps the most common cooperative challenges in international politics are collaboration problems. In such situations, States are generally better off cooperating but also have strong incentives to ignore or backtrack on promises. Collaboration problems can be structured in different ways. States may be interested in addressing a public goods problem where policy changes by even a portion of States benefit the group as a whole. Climate change, for example, is a classic public goods problem: if some States lower their emissions, their actions benefit the global community as a whole, and therefore governments have incentives to free ride off policy change in other countries.

An alternative type of collaboration problem is a situation where defections impose direct costs on other States, making them worse off than they would otherwise have been. If many countries agree to lower trade barriers but only some follow through, the domestic industries in the countries with lower trade barriers will be systematically disadvantaged compared to the non-compliant States. Similarly, if all countries agree to reduce illicit financial flows but only some countries enforce rules, countries with lax laws may see an influx of money.

Analysing a cooperation problem requires identifying key actors and thinking through relevant incentive structures. Some international regimes focus on government behaviour, while others expect States to transpose rules into regulations for the private sector or other non-State actors. Differences in political will, domestic support and government capacity can all influence whether targeted actors are likely to follow the rules, weakly comply or ignore the regime entirely. By identifying the underlying cooperation problem first, policymakers can then identify which institutional features are most helpful for mimicry.

Step 2: Determine how institutions might promote cooperation

International institutions are designed to overcome cooperation problems.[3] In this section, we discuss four of the most common goals for cooperation: policy harmonization, improving information, easing the costs of ongoing negotiations and increasing the costs of rule breaking. Global governance bodies may be focused on multiple goals at once; however, the nature of the underlying cooperation challenge usually structures how policymakers weigh different goals.

Some multilateral arrangements are focused primarily on policy coordination and harmonization – States agree to a specific standard of behaviour and then deploy it in their own countries. The International Civil Aviation Organization (ICAO), for example, aligns aviation regulations worldwide in ways that allow for interoperability. While ICAO is a treaty-based organization, this type of cooperation may also be done through intergovernmental bodies like the Basel Committee on Banking Supervision, which sets non-binding recommendations on capital reserve requirements and financial risk.

Another common goal of global governance is to provide information about States' internal policies and priorities. Establishing rules or standards alone may be insufficient for improving global policy outcomes, even when cooperation is focused on a high-stakes issue like transnational terrorism. When the United Nations Security Council adopted resolution 1373 requiring all countries to criminalize terrorist financing, it also established the Counter-Terrorism Committee to monitor policy implementation in Member States. Creating a centralized monitoring body or even a peer evaluation scheme helps identify gaps in countries' policies that can be remedied through capacity-building and multilateral assistance. Publicizing the results of such monitoring may also help incentivize countries to follow the rules.

Many types of cooperation depend on the creation of a central forum or standardized procedure that makes it easier for bureaucrats to work on a policy issue across time. The United Nations General Assembly's annual September meeting is one such example – it brings together world leaders every year to discuss ongoing challenges and new developments in international politics. Unlike the General Assembly, most multilateral forums facilitate cooperation between policy experts rather than political officials. The scope of invitees can vary widely across institutions: regulatory networks tend to focus on government officials deeply immersed in policy, while forums like the United Nations Framework Convention on Climate Change's annual Conference of the Parties brings together policymakers, advocacy organizations and industry officials for a multi-day, multi-stakeholder process.

A final goal of many cooperative agreements is to establish consequences for rule breaking. International rules or guidelines alone will rarely be sufficient to generate widespread cooperation, particularly if governed parties have incentives to violate the agreement. While policymakers sometimes assume that an agreement must have significant legal enforcement professions to shift incentives, multilateral institutions actually have many different ways of encouraging States and non-State actors to follow the rules. Agreements may emphasize domestic enforcement, as with the *Pact for the Future*, which invites States to adopt laws and regulations that reinforce international obligations and encourage accountability for violations.[4] Another common approach is publicizing the results of international monitoring in order to increase the reputational consequences for non-compliance. Such efforts can be particularly effective when results are released in the form of grades or ratings.[5] The Financial Action Task Force, for example, uses a blacklist to identify countries falling behind, and this list reduces banking flows to non-compliant countries.[6] While domestic outsourcing, monitoring and publicizing State behaviour are the most common ways of encouraging compliance, alternative structures include dispute resolution mechanisms and tribunals and institutional procedures that authorize the suspension of benefits and members or even expulsion if States fail to cooperate.

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3 This discussion is based on Robert Keohane's theory of regimes, as put forward in Robert Keohane, *After Hegemony* (Princeton University Press, 1984).

4 *Pact for the Future, Global Digital Compact, and Delcaration on Future Generations: Summit of the Future Outcome Documents* (United Nations publication, September 2024). Available at https://www.un.org/sites/un2.un.org/files/sotf-pact_for_the_future_adopted.pdf

5 Judith Kelley and Beth Simmons, eds., *The Power of Global Performance Indicators* (Cambridge, Cambridge University Press, 2020).

6 Julia C. Morse, *The Bankers' Blacklist: Unofficial Market Enforcement and the Global Fight against Illicit Financing* (Ithaca, Cornell University Press, 2022).

A path forward

How might a policymaker use this approach in combination with the Global Governance Innovation Platform database? We identify key questions to ask prior to selecting examples for institutional mimicry. First, what is the nature of the cooperation problem that a new institution is intended to solve? A cooperation problem that is focused on policy coordination will require a different type of institutional design than a public good problem where there are strong incentives to free ride. By starting with relevant actors and considering their interests to follow (or break) the rules, policymakers can better identify appropriate institutional analogies.

Second, which institutional features will be most important to addressing the underlying cooperation problem? Many institutions are focused primarily on providing information about the actions of governments and non-State actors. Information alone can be highly impactful, but the structure of multilateral monitoring should account for the underlying purpose of building a regime. Issue areas where States have strong incentives for non-compliance and where uncooperative behaviour imposes costs on other States will require more robust monitoring procedures than simple coordination games.

Finally, what are the limitations of potential examples? Every institution has a unique political context surrounding its creation. Understanding unique traits and contextual differences as well as similarities will help ensure that institutional mimicry is not a replacement for innovation. In a moment where global politics is shifting quickly, learning from the past while looking to the future offers significant promise for tackling complex challenges ahead.

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The Global Governance Innovation Platform helps UN Member States design new multilateral institutions and reform existing ones. Through interactive mapping and data visualization, we identify and showcase innovative governance models and mechanisms that can be adapted to address urgent global challenges and collective action problems.

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